

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

UNITED STATES OF AMERICA

- v. -

MIKHAIL AMINOV,
a/k/a "Michael,"
a/k/a "Misha,"
DAVID SHIMUNOV,
ASHRAF ASHOUR,
JAMES KAUFMAN,
JIMMY JOSEPH,
BRISLEY DESIRE,
a/k/a "Bruce,"
MARK NELSON, and
PHILIP BRUNO,
a/k/a "Paul,"
a/k/a "Bull,"

Defendants.

INDICTMENT

S1 15 Cr. 141 (ALC)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: MAY 13 2015

COUNT ONE

(Health Care Fraud Conspiracy)

The Grand Jury charges:

1. From in or about July 2012, up to and including in or about December 2014, in the Southern District of New York and elsewhere, MIKHAIL AMINOV, a/k/a "Michael," a/k/a "Misha," DAVID SHIMUNOV, ASHRAF ASHOUR, JAMES KAUFMAN, JIMMY JOSEPH, BRISLEY DESIRE, a/k/a "Bruce," MARK NELSON, and PHILIP BRUNO, a/k/a "Paul," a/k/a "Bull," the defendants, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree

together and with each other to commit health care fraud, to wit, to violate Title 18, United States Code, Section 1347.

2. It was a part and an object of the conspiracy that MIKHAIL AMINOV, a/k/a "Michael," a/k/a "Misha," DAVID SHIMUNOV, ASHRAF ASHOUR, JAMES KAUFMAN, JIMMY JOSEPH, BRISLEY DESIRE, a/k/a "Bruce," MARK NELSON, and PHILIP BRUNO, a/k/a "Paul," a/k/a "Bull," the defendants, and others known and unknown, willfully and knowingly, would and did execute, and attempt to execute, a scheme and artifice to defraud a health care benefit program and to obtain, by means of false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, a health care benefit program, in connection with the delivery of and payment for health care benefits, items, and services, in violation of Title 18, United States Code, Section 1347.

(Title 18, United States Code, Section 1349).

FORFEITURE ALLEGATION

3. As a result of committing the offense alleged in Count One of this Indictment, MIKHAIL AMINOV, a/k/a "Michael," a/k/a "Misha," DAVID SHIMUNOV, ASHRAF ASHOUR, JAMES KAUFMAN, JIMMY JOSEPH, BRISLEY DESIRE, a/k/a "Bruce," MARK NELSON, and PHILIP BRUNO, a/k/a "Paul," a/k/a "Bull," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code,

Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense, including but not limited to a sum in United States currency representing the amount of proceeds obtained as a result of the offense.

Substitute Assets Provision

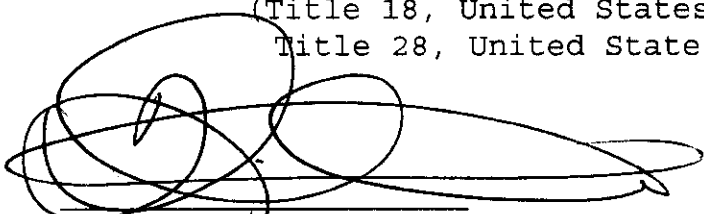
4. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C.

§ 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981 and
Title 28, United States Code, Section 2461)



FOREPERSON


PREET BHARARA/HF
United States Attorney

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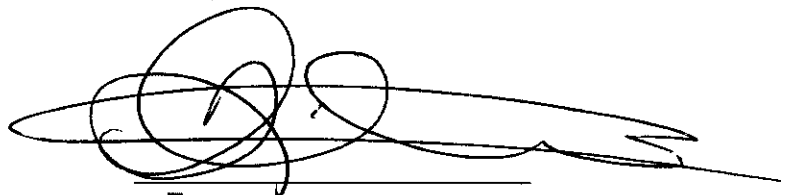
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(18 U.S.C. § 1349.)



Foreperson.

5/13/15
ae

*Filed Superseding Indictment.
Judy Peck*